

EDMUND G. BROWN JR.
Attorney General of the State of California
DANE R. GILLETTE
Chief Assistant Attorney General
GARY W. SCHONS
Senior Assistant Attorney General
KYLE NIKI SHAFFER
Deputy Attorney General
KEVIN VIENNA, State Bar No. 186751
Supervising Deputy Attorney General
110 West A Street, Suite 1100
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2198
Fax: (619) 645-2191
Email: Kevin.Vienna@doj.ca.gov

10 | Attorneys for Respondent

12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

15 PHILLIP W. DUNN,

Petitioner,

V.

KEN CLARK, Warden,

Respondent.

08-cv-0485 BTM (JMA)

**NOTICE OF MOTION AND
MOTION TO DISMISS**

(No Hearing Required)

The Honorable Jan M. Adler

TO PETITIONER PHILLIP DUNN PROCEEDING IN PRO SE:

22 PLEASE TAKE NOTICE that Respondent hereby moves this Court for an Order
23 dismissing the Petition for Writ of Habeas Corpus because the Petition is barred by the Statute of
24 Limitations. This motion is based on this Notice of Motion and Motion, the accompanying
25 Memorandum of Points and Authorities, and on the pleadings filed or documents lodged in this
26 action.

27 | //

28 | //

1 WHEREFORE, Respondent respectfully requests the Petition be dismissed with prejudice.
2

3 Dated: June 26, 2008
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5 Respectfully submitted,
6

7 EDMUND G. BROWN JR.
8 Attorney General of the State of California
9

10 DANE R. GILLETTE
11 Chief Assistant Attorney General
12

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14 Senior Assistant Attorney General
15

16 KYLE NIKI SHAFFER
17 Deputy Attorney General
18

19 s/Kevin Vienna
20 KEVIN VIENNA
21 Supervising Deputy Attorney General
22 Attorneys for Respondent
23

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1 **CERTIFICATE OF SERVICE BY U.S. MAIL**

2 Case Name: **Dunn v. Clark**

3 No.: **08-cv-0485 BTM (JMA)**

4 I declare:

5 I am employed in the Office of the Attorney General, which is the office of a member of the
6 California State Bar, at which member's direction this service is made. I am 18 years of age or older
7 and not a party to this matter. I am familiar with the business practice at the Office of the Attorney
8 General for collection and processing of correspondence for mailing with the United States Postal
9 Service. In accordance with that practice, correspondence placed in the internal mail collection
10 system at the Office of the Attorney General is deposited with the United States Postal Service that
11 same day in the ordinary course of business.

12 On June 26, 2008, I served the following documents:

13 **(1) NOTICE OF MOTION AND MOTION TO DISMISS; (2)
14 MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
15 MOTION TO DISMISS; and (3) NOTICE OF LODGMENT IN 28 U.S.C. §
16 2254 HABEAS CORPUS CASE - TO BE SENT TO CLERK'S OFFICE**

17 by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in
18 the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite
19 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

20 Phillip W. Dunn
T-79951
CA Substance Abuse Treatment Facility
P.O. Box 5248
Corcoran, CA 93212

21 *In Pro Se*

22 **Electronic Mail Notice List**

23 I have caused the above-mentioned document(s) to be electronically served on the following
24 person(s), who are currently on the list to receive e-mail notices for this case: None

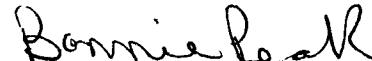
25 **Manual Notice List**

26 The following are those who are **not** on the list to receive e-mail notices for this case (who therefore
27 require manual noticing): **Phillip W. Dunn** at the above-named address.

28 I declare under penalty of perjury under the laws of the State of California the foregoing is true and
correct and that this declaration was executed on June 26, 2008, at San Diego, California.

29 Bonnie Peak

30 _____
31 Declarant

32 

33 Signature